



DEPARTMENT OF THE NAVY

COMMANDER  
DESTROYER SQUADRON SIX ZERO  
PSC 817 BOX 350  
FPO AE 09622-0350

5830  
Ser CDS 60/015  
4 Mar 11

FIRST ENDORSEMENT on CAPT (b) (6), (b) (3) (B) ltr 5830 of 28 Feb 11

From: Commander, Task Force 65  
To: Commander, U.S. SIXTH Fleet

Subj: INVESTIGATION INTO ALLEGED MISCONDUCT AND COMMAND CLIMATE  
ABOARD USS STOUT

1. Forwarded, concurring in the findings of fact, opinions, and recommendations subject to the notes and modifications below.

2. I have thoroughly reviewed the Investigating Officer's findings of fact, opinions, and recommendations and concur, except where noted below. This detailed Report of Investigation satisfies the requirements of Chapter 2 of the JAGMAN and the specific direction of the convening order. This investigation documents multiple instances of misconduct involving junior officers, chief petty officers, and crew of USS STOUT while on liberty in various foreign ports in the C6F AOR from December 2010 through February 2011. Liberty is a mission in the C6F AOR. Based on the findings in this report, it is apparent that the leadership team in STOUT failed to implement the processes required to effectively execute the liberty mission. The liberty incidents in this report - all alcohol-related - can be attributed, at least in part, to an ineffective DAPA program and to lack of clear direction and guidance for liberty behavior, an ineffective Shore Patrol, and inadequate use of the liberty risk program. Moreover, the leadership team - specifically the Commanding Officer and Command Master Chief - failed to take timely and appropriate action to hold members of the crew properly accountable for liberty incidents. I specifically concur with the Investigating Officer's assertion that a group of five Chief Petty Officers engaged in a pattern of unprofessional conduct towards junior officers, fellow chief petty officers, and the crew of STOUT, creating a hostile work environment in the ship. The ineffective CMEO program in STOUT clearly contributed to the hostile work environment. As detailed below, I have taken specific action to hold these individuals accountable for their actions.

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ABOARD USS STOUT

3. Concur with the Preliminary Statement and Findings of Fact of the Investigating Officer, except for the following modification, FoF 101 should read: Shore Patrol (LTJG (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and LT (b) (6), (b) (3) (B) received LOIs for failing to report the liberty incident involving FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) [Encl 31, 35, 53, 61, 62]

4. Concur with the opinions of the Investigating Officer, including the following opinion added to the report after completion: Liberty Mission in C6F AOR - It is the IO's opinion that the Commanding Officer aboard STOUT did not have the proper processes in place with regards to the liberty policy, liberty risk policy and shore patrol instruction to effectively execute this mission in the C6F AOR. [FoF 22-28, 82, 83, 99-102, 103, 111-113]

5. I concur with the recommendations of the Investigating Officer as modified and / or amplified below:

a. Recommendation 1: Do not concur. The Commanding Officer failed to thoroughly investigate allegations of fraternization and "tension" among members of his Wardroom and CPO Mess. Further, he failed to take sufficient punitive action in response to an acknowledged and well-known assault by FCC (b) (6), (b) (3) (B) upon BMCS (b) (6), (b) (3) (B). He failed to take formal action, administrative or otherwise, in the case of ENS (b) (6), (b) (3) (B) admitted alcohol abuse. Finally, he held mast in abeyance for a Sailor suspected of underage drinking in order to permit him to attend C School. By these actions and associated inaction, the Commanding Officer contributed to a lack of good order and discipline within the ship and a perception that standards of behavior ashore are unevenly applied. Recommend he be held accountable via NJP for dereliction of duty, but remain in command, as he is capable, working in concert with the Executive Officer and the new Chief Petty Officer leadership, to correct the climate and tone in STOUT.

b. Recommendation 2: Concur, with the modification that the Letter of Instruction be issued by Commander, Destroyer Squadron TWO, to ensure it remains relevant for the remainder of his tour as Executive Officer and subsequent assignment as Commanding Officer, USS STOUT.



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c. Recommendation 3: Concur, with the modification that the Command Master Chief be immediately relieved of duty. Any additional administrative action deemed necessary (e.g., detachment for cause) will be directed and executed by Commander, U.S. Naval Surface Force Atlantic.

d. Recommendation 4: Concur, with modifications. On 1 March 2011, I directed the immediate removal of BMC (b) (6), (b) (3) (B), FCC (b) (6), (b) (3) (B), CTTC (b) (6), (b) (3) (B), GMC (b) (6), (b) (3) (B), FCC (b) (6), (b) (3) (B), CSCS (b) (6), (b) (3) (B), and ET2 (b) (6), (b) (3) (B) from USS STOUT. Any additional administrative action deemed necessary will be directed and executed by Commander, U.S. Naval Surface Force Atlantic.

e. Recommendation 5: Concur with modifications. In addition to the imposition of nonjudicial punishment, recommend ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) be relieved of duty on STOUT. Additionally, on 1 March 11, I imposed nonjudicial punishment on BMCS (b) (6), (b) (3) (B), CSCS (b) (6), (b) (3) (B), FCCS (b) (6), (b) (3) (B), CTTC (b) (6), (b) (3) (B), GMC (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) for their misconduct identified in this report. Given the seriousness of the allegations against FCC (b) (6), (b) (3) (B) (e.g., assaulting a commissioned officer and a senior chief petty officer), I recommend that the allegations of his misconduct be referred to his administrative chain of command for review with a recommendation for adjudication at court-martial. Any additional administrative action deemed necessary will be directed and executed by Commander, U.S. Naval Surface Force Atlantic.

f. Recommendation 6: Concur, with the modification that ENS (b) (6), (b) (3) (B) not receive a non-punitive letter of caution and that ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) not be placed on liberty risk. Additionally, modify the language associated with the liberty risk recommendation to remove "... for the next port."

g. Recommendation 7: Concur. Additionally, I have issued HTC (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) non-punitive letter of caution.

h. Recommendation 8: Concur, with the modification that any additional administrative action deemed necessary will be directed and executed by Commander, U.S. Naval Surface Force Atlantic.

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i. Recommendation 9: Concur. BMCS (b) (6), (b) (3) (B) and FCCS (b) (6), (b) (3) (B) have had their frocking to E-8 administratively withdrawn.

j. Recommendation 10: Concur, with the modification that I have issued the Legal Officer a non-punitive letter documenting his substandard performance of his duties.

k. Recommendation 11: Concur, with the provision that liberty be held in abeyance until the appropriate instructions are generated, reviewed by CTF 65, and training is held and properly documented.


l. Recommendation 12: Concur.

m. Recommendation 13: Concur. I strongly endorse increasing the number of strong female role models in USS STOUT. Experienced female officers in a leadership role (e.g., Department Head) and strong female members of the Chief's Mess will provide the much-needed mentorship to female junior officers and Sailors in STOUT.

6. Additionally, I offer the following additional recommendations:

a. Recommendation 14: Recommend appropriate inquiry and action for the previous Commanding Officer in USS STOUT. It is clear from the investigation that many of the policies and routine practices under his command set the stage for the misconduct and hostile climate documented therein. See enclosure 62 for additional details regarding potential abuse of the urinalysis program under the previous Commanding Officer's direction.

b. Recommendation 15: Recommend Commander, Destroyer Squadron TWO perform a Command Readiness Assessment Visit in STOUT at earliest opportunity.

  
J. D. SHAFER





DEPARTMENT OF THE NAVY

COMMANDER  
UNITED STATES SIXTH FLEET  
PSC 809 BOX 70  
FPO AE 09625-0070

5830

Ser C6F/233

14 Mar 11

SECOND ENDORSEMENT on CAPT (b) (6), (b) (3) (B) ltr 5830 of 28 Feb 11

From: Commander, U.S. SIXTH Fleet

To: File

Subj: INVESTIGATION INTO ALLEGED MISCONDUCT AND COMMAND CLIMATE  
ABOARD USS STOUT

1. In accordance with reference (a), I convened a Command Investigation into allegations of widespread misconduct involving junior officers, Chief Petty Officers, and crew of USS STOUT (DDG 55) while on liberty in various foreign ports in the C6F AOR from December 2010 through February 2011. I also directed the Investigating Officer to assess the command climate onboard STOUT.

2. I have thoroughly reviewed enclosure (1), the Investigating Officer's Report and the First Endorsement by Commander, Task Force 65. Except as noted below, I concur with the Investigating Officer's findings of fact, opinions, and recommendations. This detailed Report of Investigation satisfies the requirements of JAGMAN, Chapter 2, and the specific direction of the convening order.

3. Liberty is a mission in the C6F AOR. This direction is made clear through enclosure (2) to every unit deploying to the Naval Forces Europe and Naval Forces Africa regions. Based on multiple and egregious liberty incidents, all involving the excess consumption of alcohol and documented in this investigation, I concluded that STOUT's leadership team - including the Commanding Officer, Command Master Chief, and several members of the Chief's Mess - failed to implement processes and policies to effectively execute the liberty mission. These incidents included fighting between Chiefs, a Chief striking an Officer, fraternization between Officers and Chiefs and Chiefs and junior Sailors, drunk and disorderly conduct, and dereliction of duty. Of particular note, the Investigating Officer identified ineffective DAPA and CMEQ programs, the lack of any clear direction and guidance for liberty ashore, an ineffective Shore Patrol program, and

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inadequate use of the tools readily available to leadership such as the liberty risk program, as contributing to these liberty incidents. When liberty incidents did occur, the Commanding Officer and Command Master Chief failed to take timely and appropriate action to hold individuals accountable for their misconduct. I viewed with great concern the finding that a group of five Senior Chief Petty Officers and Chief Petty Officers on board STOUT created and fostered a hostile work environment. The command climate aboard STOUT was abysmal. I expect - and our Sailors deserve - more from Commanding Officers and Command Master Chiefs. Based on these findings, I lost confidence in the ability of the Commanding Officer and the Command Master Chief to effectively execute their responsibilities and relieved them on 1 March 2011.

4. I concur with the Preliminary Statement and Findings of Fact of the Investigating Officer, as modified by Commander, Task Force 65.

5. I concur with the Investigating Officer's opinions, as modified by Commander, Task Force 65.

6. I concur with the Investigating Officer's recommendations, as modified by Commander, Task Force 65, except as noted below:

a. Recommendation 1: Do not concur. Although he did not engage in any personal misconduct, the Commanding Officer of USS STOUT failed to effectively execute the liberty mission in the C6F AOR. By repeatedly failing to thoroughly investigate suspected liberty incidents and by not holding junior officers and Chief Petty Officers involved in liberty incidents accountable, the Commanding Officer directly contributed to a lack of good order and discipline in STOUT and created a perception that standards for conduct ashore did not apply to officers or Chief Petty Officers. I lost confidence in his ability to serve in command and relieved him of his duties. I do not believe that the Commanding Officer's inaction warrants imposition of nonjudicial punishment. I do, however, recommend his formal Detachment for Cause.

b. Recommendation 2: Concur.

c. Recommendation 3: Concur. As noted above, I relieved the Command Master Chief of her duties on 1 March 2011 due to my loss of confidence in her ability to effectively serve as a member of the leadership team onboard STOUT. The lack of professionalism of Chiefs under her charge, her inability to



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lead the Chief's Mess, and her failure to inform the CO when misconduct occurred indicated to me that she should not hold this position of special trust. Accordingly, I relieved her and recommend her formal Detachment for Cause.

d. Recommendation 4: Concur with the actions taken by Commander, Task Force 65.

e. Recommendation 5: Concur, with modifications. On 1 March 2011, I imposed non-judicial punishment at Admiral's Mast on ENS (b) (6), (b) (3) (B) for fraternization and disorderly conduct and awarded her a punitive letter of reprimand. ENS (b) (6), (b) (3) (B) has been removed from USS STOUT, sent to Naval Surface Force Atlantic, and I have formally recommended that she be detached for cause. I reviewed the allegations and available evidence against ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) and dismissed all charges at Admiral's Mast. I concur with the actions taken by Commander, Task Force 65, including referral to Court Martial of FCC (b) (6), (b) (3) (B).

f. Recommendation 6: Concur, with the modification offered by Commander, Task Force 65.

g. Recommendation 7: Concur with the action taken by Commander, Task Force 65.

h. Recommendation 8: Concur, with the modification offered by Commander, Task Force 65 that CTTC (b) (6), (b) (3) (B) be administratively separated and FCC (b) (6), (b) (3) (B) be referred to Court Martial. Administrative actions will be directed and executed by Commander, U.S. Naval Surface Force Atlantic.

i. Recommendation 9: Concur.

j. Recommendation 10: Concur with the administrative action taken by Commander, Task Force 65 against the USS STOUT Legal Officer.

k. Recommendation 11: Concur. Liberty will be held in abeyance until Commander, Task Force 65 verifies that STOUT is able to properly execute the liberty mission in the C6F AOR.

l. Recommendation 12: Concur. I personally conducted verbal counseling of USS STOUT's Department Heads on 1 March 2011 onboard USS STOUT.

m. Recommendation 13: Concur. I strongly endorse increasing the number of strong female role models in USS STOUT.

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Experienced female officers in a leadership role (e.g., Department Head) and strong female members of the Chief's Mess will provide the necessary mentorship to female junior officers and Sailors in STOUT.

n. Recommendation 14: Concur. Recommend Commander, Naval Surface Force Atlantic conduct additional inquiry into the performance and actions of the previous Commanding Officer of USS STOUT, CDR Mark Oberley. Given the apparent systemic nature of some of the shortfalls identified on STOUT during this investigation, and allegations of misconduct discussed in the basic investigation - specifically that the former CO failed to hold CTTC (b) (6), (b) (3) (B) accountable for a pre-deployment DUI incident and directed abuses of the command's urinalysis program - further investigation is warranted.

o. Recommendation 15: Concur.

7. By copy of this investigation, Commander, Naval Surface Force Atlantic is invited to review this report to identify areas for improvement in the training and certification of deploying ships.

  
HARRY B. HARRIS, JR.

Copy to:  
SURFLANT  
CCSG12  
CTF 65  
DESRON 2  
FJA.



5830  
28 Feb 11

From: CAPT (b) (6), (b) (3) (B) USN  
To: Commander, U.S. SIXTH Fleet  
Via: Commander, Task Force SIX FIVE

Subj: INVESTIGATION INTO ALLEGED MISCONDUCT AND COMMAND CLIMATE ABOARD  
USS STOUT (DDG 55)

Ref: (a) JAGMAN

- Encl: (1) Commander, U.S. SIXTH Fleet ltr 5830 Ser C6F/0171 of 18 Feb 11  
(2) Commander, U.S. SIXTH Fleet OPORD 4000-05, Appendix 10 to Annex E  
(3) USS STOUT (DDG 55) Instruction 5800.1D - Liberty Risk Program  
12 Jan 11  
(4) USS STOUT (DDG 55) Instruction 1050.2 - COMSIXTHFLT Liberty and  
Leave Guidance, undated  
(5) USS STOUT (DDG 55) Wardroom Roster  
(6) Timeline of Events  
(7) Souda Bay Port Brief dtd Dec 10 (on CD)  
(8) Haifa Port Brief dtd Jan 11 (on CD)  
(9) Palermo and Augusta Bay Port Brief dtd Feb 11 (printed)  
(10) ENS (b) (6), (b) (3) (B) ltr 5800 of 14 Feb 11  
(COMMAND INVESTIGATION TO INQUIRE INTO SUSPECTED SEXUAL MISCONDUCT  
INVOLVING GMC (b) (6), (b) (3) (B) AND FC3 (b) (6), (b) (3) (B)  
(11) NAVPERS 1627/7, Report and Disposition of Offenses, with  
enclosures, ICO GMC (b) (6), (b) (3) (B) & FC3 (b) (6), (b) (3) (B) of 15 Feb 11  
(12) Liberty Risk Designation Letters ICO GMSN (b) (6), (b) (3) (B)  
FCC (b) (6), (b) (3) (B) FCC (b) (6), (b) (3) (B) BMCS (b) (6), (b) (3) (B) CSSN  
(b) (6), (b) (3) (B) CSSN (b) (6), (b) (3) (B) CSSN (b) (6), (b) (3) (B) and CSSN  
(b) (6), (b) (3) (B)  
(13) Liberty Logs for 28 - 30 Dec 10 (Souda Bay, Crete)  
(14) Liberty Logs for 2 - 4 Jan 11 and 20 - 22 Jan 11 (Haifa,  
Israel)  
(15) Liberty Logs for 3 - 5 Feb 11 (Palermo, Sicily) and 17 Feb 11  
(Augusta Bay, Sicily)  
(16) Command DAPA File ICO CTTC (b) (6), (b) (3) (B)  
(17) NAVPERS 1627/7, Report and Disposition of Offenses, with  
enclosures, ICO CSSR (b) (6), (b) (3) (B) NJP file of 7 Jan 11  
(18) Voluntary Statement ICO LTJG (b) (6), (b) (3) (B) dtd 20 Feb 11  
(19) Voluntary Statement ICO LTJG (b) (6), (b) (3) (B) dtd 20 Feb 11  
(20) Voluntary Statement ICO OS2 (SW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(21) Voluntary Statement ICO PS2 (SW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(22) Voluntary Statement ICO OS2 (SW/AW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(23) Voluntary Statement ICO FC1 (SW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(24) Voluntary Statement ICO MA1 (SW/AW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(25) Voluntary Statement ICO CS1 (SW) (b) (6), (b) (3) (B) dtd 20 Feb 11  
(26) Voluntary Statement ICO FC2 (SW) (b) (6), (b) (3) (B) dtd 21 Feb 11  
(27) Voluntary Statement ICO FC2 (SW) (b) (6), (b) (3) (B) dtd 21 Feb 11  
(28) Voluntary Statement ICO CSSR (b) (6), (b) (3) (B) dtd 21 Feb 11  
(29) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dtd 22 Feb 11  
(30) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dtd 22 Feb 11  
(31) Voluntary Statement ICO LTJG (b) (6), (b) (3) (B) dtd 22 Feb 11  
(32) Voluntary Statement ICO ENS (b) (6), (b) (3) (B) dtd 22 Feb 11  
(33) Voluntary Statement ICO LSC (SW) (b) (6), (b) (3) (B) dtd 22 Feb 11  
(34) Voluntary Statement ICO OS2 (SW) (b) (6), (b) (3) (B) dtd 22 Feb 11

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STOUT (DDG 55)

- (35) Voluntary Statement ICO FC3 (b) (6), (b) (3) (B) dtd 22 Feb 11
- (36) Voluntary Statement ICO ENS (b) (6), (b) (3) (B) dtd 26 Feb 11
- (37) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dated dtd Feb 11
- (38) Voluntary Statement ICO ENS (b) (6), (b) (3) (B) dtd 26 Feb 11
- (39) Voluntary Statement ICO CSCS (SW/AW) (b) (6), (b) (3) (B) dtd 26 Feb 11
- (40) Suspect's Rights Acknowledgement and Statement ICO BMCS (SW)  
(b) (6), (b) (3) (B) and LOD Form
- (41) Suspect's Rights Acknowledgement and Statement ICO ENS  
(b) (6), (b) (3) (B)
- (42) Suspect's Rights Acknowledgement and Statement ICO ENS  
(b) (6), (b) (3) (B)
- (43) Suspect's Rights Acknowledgement and Statement ICO HMC (SW/SS)  
(b) (6), (b) (3) (B)
- (44) Suspect's Rights Acknowledgement and Statement ICO CTTC (SW)  
(b) (6), (b) (3) (B)
- (45) Suspect's Rights Acknowledgement and Statement ICO GMC (SW)  
(b) (6), (b) (3) (B)
- (46) Suspect's Rights Acknowledgement and Statement ICO ETC (SW/AW)  
(b) (6), (b) (3) (B)
- (47) Suspect's Rights Acknowledgement and Statement ICO FCC (SW)  
(b) (6), (b) (3) (B)
- (48) Suspect's Rights Acknowledgement and Statement ICO ENS (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (49) Suspect's Rights Acknowledgement and Statement ICO ENS (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B) and LOD Form
- (50) Suspect's Rights Acknowledgement and Statement ICO (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (51) Suspect's Rights Acknowledgement and Statement ICO HTC (SW/AW)  
(b) (6), (b) (3) (B)
- (52) Suspect's Rights Acknowledgement and Statement ICO FCCS (SW/AW)  
(b) (6), (b) (3) (B)
- (53) Suspect's Rights Acknowledgement and Statement ICO ENS (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (54) Suspect's Rights Acknowledgement and Statement ICO ENS (b) (6), (b) (3) (B)
- (55) Suspect's Rights Acknowledgement and Statement ICO FC3 (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (56) Suspect's Rights Acknowledgement and Statement ICO FCC (SW)  
(b) (6), (b) (3) (B)
- (57) Suspect's Rights Acknowledgement and Statement ICO ENS (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (58) Suspect's Rights Acknowledgement and Statement ICO ET2 (SW)  
(b) (6), (b) (3) (B)
- (59) Suspect's Rights Acknowledgement and Statement ICO OS2 (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (60) Suspect's Rights Acknowledgement and Statement ICO CMDCM (SW/AW)  
(b) (6), (b) (3) (B)
- (61) Suspect's Rights Acknowledgement and Statement ICO LCDR (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (62) Suspect's Rights Acknowledgement and Statement ICO CDR (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (63) Suspect's Rights Acknowledgement and Statement ICO CSCS (b) (6), (b) (3) (B)  
(b) (6), (b) (3) (B)
- (64) Voluntary Statement ICO ENS (b) (6), (b) (3) (B) dtd 25 Feb 2011
- (65) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dtd 26 Feb 2011
- (66) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dtd 26 Feb 2011
- (67) Voluntary Statement ICO LT (b) (6), (b) (3) (B) dtd 26 Feb 2011
- (68) Commanding Officer's Command Philosophy, undated



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- (69) Photograph from Palermo Liberty Port (printed and on CD)
- (70) Email from LCDR (b) (6), (b) (3) (B) of 25 Feb 11 (regarding CTTC Green's DUI)
- (71) Letters of Instruction (LOI) ICO FCC (b) (6), (b) (3) (B) (SW) and HTC (b) (6), (b) (3) (B) (SW/AW), dtd 25 Jan 11
- (72) LOIs ICO LTJG (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B) and LT (b) (6), (b) (3) (B) (b) (6), (b) (3) (B) (Shore patrol), dtd 21 Jan 11
- (73) NAVPERS 1070/607 Court Memorandum ICO CTTC (b) (6), (b) (3) (B), dtd 21 Feb 10
- (74) 2009 CMEQ Report for USS STOUT (DDG 55) (on CD)
- (75) 2010 CMEQ Report for USS STOUT (DDG 55) (on CD)
- (76) Email from CMDM(SW/AW) (b) (6), (b) (3) (B) of 26 Feb 11 (regarding assigned positions of chiefs onboard STOUT)

#### PRELIMINARY STATEMENT

1. Pursuant to enclosure (1), and in accordance with reference (a), this report is submitted upon completion of a command investigation to inquire into the circumstances surrounding the alleged misconduct and command climate aboard USS STOUT (DDG 55). Specific focus areas of this investigation were the leadership triad's performance, liberty incidents involving STOUT officers, chief petty officers, and sailors, the leadership triad's response to those liberty incidents, and command climate. There were no difficulties encountered during the conduct of this inquiry with the personnel of the ship; however due to weather, sea state conditions, and operational retasking during the course of the investigation, there was a delay in completing this report in the time directed in the appointing order.
2. All evidence included herein is certified to be either the original or a true copy, which is an accurate representation of the original documents.
3. LCDR (b) (6), (b) (3) (B) JAGC, USN was onboard USS STOUT to provide legal counsel and assistance during the course of this investigation.

#### PERSONNEL CONTACTED

1. The following personnel were contacted and interviewed during the course of this preliminary inquiry: See enclosures 18-67.

#### SUMMARY OF FINDINGS

1. As directed by enclosure (1), a command investigation was conducted to inquire into suspected misconduct of STOUT officers, chief petty officers and sailors while on liberty at various foreign ports between December 2010 and February 2011, and the command climate aboard the ship. After reviewing evidence, conducting in-depth interviews and receiving written statements from the individuals listed above, it is the opinion of the investigating officer that there is substantial factual evidence to support some of the allegations of misconduct that occurred in Souda Bay, Crete on 29 December 2010 between junior officers and chief petty officers and in Haifa, Israel on 21 January 2011 between a chief petty officer and a senior chief petty officer. This investigation was ordered by Commander, U.S. Sixth Fleet after an egregious liberty incident between a chief petty officer and a junior enlisted sailor while on liberty in port Palermo, Italy on 4 February 2011. The incident in Palermo, Italy was not part of this investigation since it had already been fully investigated and all disciplinary action has been completed.

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2. The first significant liberty incident investigated occurred in Souda Bay, Greece on 29 December 10. That evening several officers, chiefs and sailors were on liberty in an area called American Alley, a strip of 3-4 bars. Inappropriate dancing and other unduly familiar conduct occurred between ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B) in the presence of STOUT ship's company. That same evening outside of the bar, ENS (b) (6), (b) (3) (B) was hit by FCC (b) (6), (b) (3) (B). This incident was not reported to the chain of command when personnel returned from liberty to the ship.

3. The second significant liberty incident investigated occurred in Haifa, Israel on 21 January 11. This was the second time the ship pulled into Haifa. Several officers and chiefs were out together at a bar downtown. While at the bus stop waiting for the return bus to the ship, FCC Leach punched BMCS (b) (6), (b) (3) (B) in the face. FCC (b) (6), (b) (3) (B) and HTC (b) (6), (b) (3) (B) broke up the fight and separated the chiefs. All four involved received administrative action from the command for fighting and failing to report the offense. The three shore patrol officers also received administrative action from the command for failing to report the offense.

4. During the course of the investigation, another liberty incident was discovered. This incident occurred in Palermo, Italy on 4 February 11. CSCS Brister and ET2 (b) (6), (b) (3) (B) were seen kissing and touching each other at a bar in town. Several chiefs and enlisted sailors were present at this bar and saw this. HTC (b) (6), (b) (3) (B) was trying to take a picture of the two of them and ETC (b) (6), (b) (3) (B) maneuvered his body to block the photo from being taken. This incident was not reported to the chain of command.

5. As part of this investigation, I have assessed the command climate, the underlying factors that may have contributed to recent liberty incidents, and the effectiveness of the leadership triad onboard USS STOUT. Based on this assessment, my professional opinion is that the Command Master Chief's inability to effectively lead the CPO Mess has caused a void at this critical level of leadership within the command forcing the officers and crew to work around the CPO Mess to accomplish their mission.

6. Based on my assessment of the command climate onboard USS STOUT, I recommend two senior chief petty officers and three chief petty officers be removed from the ship. These individuals are actively creating a hostile work environment. These senior chiefs and chiefs have demonstrated a pattern of unprofessional behavior towards the crew, other chiefs, and officers. They hold vital collateral duties on the ship (such as DAPA and CMEO) and the crew feels they can not be utilized effectively in their assigned collateral billets. There is a pervasive pattern of these personnel verbally demoralizing sailors through inappropriate name calling, the use of obscenities, and creating an overall hostile climate that results in poor morale and poor motivation. Their lack of integrity, ethical and professional behavior is appalling.

## FINDINGS OF FACT

### General

1. The CO aboard USS STOUT is CDR Nathan Borchers. He has been onboard the ship since December 2009. He took over as the CO onboard the ship on 28



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December 2010. Prior to assuming command, CDR Borchers served as XO. [Encl 62]

2. The XO aboard USS STOUT is LCDR (b) (6), (b) (3) (B). He has been onboard the ship since 23 December 2010. He assumed duties as the XO on 27 December 2010. [Encl 61]

3. The CMC onboard USS STOUT is CMDM (b) (6), (b) (3) (B). She has been onboard the ship since 29 March 2010. [Encl 60]

4. The officers onboard the ship identified in the liberty incidents include: ENS (b) (6), (b) (3) (B) (STRIKE), ENS (b) (6), (b) (3) (B) (ASWO), ENS (b) (6), (b) (3) (B) (COMO), ENS (b) (6), (b) (3) (B) (FSO), ENS (b) (6), (b) (3) (B) (CIWO and the Legal Officer), ENS (b) (6), (b) (3) (B) (ORDO), ENS (b) (6), (b) (3) (B) (EWO), ENS (b) (6), (b) (3) (B) (TURBO), ENS (b) (6), (b) (3) (B) (FSO). [Encl 13-15, 18-67]

5. The chief petty officers onboard the ship identified in the liberty incidents include: CTTC (b) (6), (b) (3) (B) (PCMS), FCC (b) (6), (b) (3) (B) (CSSM, SPY), BMCS (b) (6), (b) (3) (B) (Operations LPO), GMC (b) (6), (b) (3) (B) (Vertical Launch Tech and DAPA), FCCS (b) (6), (b) (3) (B) (TLAM, Combat Missiles Division LCPO, CMEQ), FCC (b) (6), (b) (3) (B) HTC (b) (6), (b) (3) (B) ETC (b) (6), (b) (3) (B) HMC (b) (6), (b) (3) (B) (Medical), CSCS (b) (6), (b) (3) (B) (Mess). [Encl 13-15, 18-67]

6. BMCS (b) (6), (b) (3) (B) and FCCS (b) (6), (b) (3) (B) are frocked to the rank of senior chief petty officer. [Encl 40, 52]

7. There are a group of chiefs on the ship that are considered unprofessional and perceived as bullies by the crew; they include CTTC (b) (6), (b) (3) (B) FCCS (b) (6), (b) (3) (B) FCC (b) (6), (b) (3) (B), BMCS (b) (6), (b) (3) (B) and GMC (b) (6), (b) (3) (B). [Encl 18, 19, 32, 33, 36, 38]

8. ENS (b) (6), (b) (3) (B) stated that BMCS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B) cornered him and tried to pressure him to get the other officers to keep quiet about what they saw on liberty in Souda Bay. [Encl 38]

9. BMCS (b) (6), (b) (3) (B) has called his sailors inappropriate names (e.g., he has called the OSs "garbage".) [Encl 59]

10. Sailors are fearful of reporting misconduct due to fear of retaliation by the chiefs, in particular the five chiefs listed in FOF 7. [Encl 17, 20, 22, 36]

11. Sailors are intimidated by the chiefs. [Encl 19, 53, 59]

12. The CO believed the CMC was honest and forthcoming until she admitted that she was aware of the fight between FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) and did not report that information to the CO or XO. He thought she was effective in the mess until a month ago. He viewed the triad as doing better a month ago than he does now. [Encl 62]

13. The CO, XO, and members of the wardroom and crew do not believe that the CMC is able to control the chief's mess. [Encl 60, 61]

14. Sailors do not perceive taking issues to the CMC as beneficial. [Encl 33, 59]

15. CTTC (b) (6), (b) (3) (B) has had two DUIs. CTTC (b) (6), (b) (3) (B) first DUI was approximately 10 years ago. There is no paperwork to document this first DUI. [Encl 16, 44, 60-62, 70]

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16. CTTC (b) (6), (b) (3) (B) second DUI was in August 2010. [Encl 44, 45, 60-62]
17. CTTC (b) (6), (b) (3) (B) did not go to Mast for the August 2010 DUI. [Encl 44, 45, 60-62]
18. The command considered NJP and administrative measures for CTTC (b) (6), (b) (3) (B) second DUI but decided they would document it on his next periodic FITREP (Sep 11) instead. [Encl 60-62]
19. CTTC (b) (6), (b) (3) (B) was convicted for DUI in civilian court in December 2010 for the August 2010 incident. [Encl 16]
20. CTTC (b) (6), (b) (3) (B) had a DAPA screening which recommended he go to IMPACT and receive a psychological evaluation. To date, neither has been completed due to operational mission requirements. [Encl 16, 44, 45, 60-62]
21. CTTC (b) (6), (b) (3) (B) received NJP in 21 February 2010 for failure to obey a general order, false official statement, and adultery while on a GSA assignment in Iraq. [Encl 73, 74]
22. The command based their liberty policies on the SIXTH Fleet OPORD 4000-05, Appendix 10 to Annex E. [Encl 2-4, 7-9, 60-62]
23. The liberty buddy section of Appendix 10 to Annex E of OPORD 4000-05 constitutes a lawful general order, and states that "all personnel subject to this order must take all appropriate and reasonable measures to ensure the safety, welfare, and appropriate behavior of liberty buddies." [Encl 2]
24. A port brief addressing liberty policies, the buddy system, conduct ashore, and cultural briefs was given to the crew before every port either on the mess decks or via SITE TV. All members of the crew were required to receive this brief. [Encl 2-4, 7-9, 60-62]
25. The liberty risk program is run by the departments sending in nominations to a board that is run by CMC, a senior chief coordinator plus two departmental LCPOs. Their recommendations are routed for approval to the XO and CO. [Encl 3, 4, 60-62]
26. The DAPA and the Chief Master at Arms onboard the ship do not give recommendations for sailors to be put on liberty risk. [Encl 24, 45, 60-62]
27. Those officers, chiefs and sailors involved in liberty incidents were not always put on liberty risk. [Encl 60-62]
28. Within the first few days of taking command, both the CO and XO detailed their command expectations to the wardroom, chief's mess and crew. This was done formally through speaking with each group individually as well as documented through the CO's Command Philosophy, as well as followed up with port briefs, personnel in-calls and over the LMC. [Encl 7-9, 60-62, 68]
29. CMEO reports for the last two years identified low morale onboard the ship as a significant issue. Upon taking over command, the CO and XO concentrated on remedying this concern through interaction with all paygrades by in-calls, all hands calls, LMC announcements, answering the CO's suggestion box and creating more MWR type events. (e.g., STOUT Olympics) [Encl 60-62, 74, 75]

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30. ENS (b) (6), (b) (3) (B) BMCS (b) (6), (b) (3) (B) HMC (b) (6), (b) (3) (B) and CSSN (b) (6), (b) (3) (B) were all questioned about the injuries they incurred on liberty. None of the injuries was significant and no one missed work due to them. [Encl 17, 40, 43, 49]

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31. BMCS (b) (6), (b) (3) (B) FCCS (b) (6), (b) (3) (B), FCC (b) (6), (b) (3) (B), CTTC (b) (6), (b) (3) (B) GMC (b) (6), (b) (3) (B) HTC (b) (6), (b) (3) (B) FCC (b) (6), (b) (3) (B) CSCS (b) (6), (b) (3) (B) were on liberty at a bar in Souda Bay. Several officers were at the same bar including ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B). [Encl 39-41, 44, 45, 47-52, 54, 56, 57]

32. ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were liberty buddies the night of 29 December 10. [Encl 41, 48]

33. ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were liberty buddies the night of 29 December 10. [Encl 49, 50, 54, 57]

34. BMCS (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) were liberty buddies. FCCS (b) (6), (b) (3) (B) was liberty buddies with CSCS (b) (6), (b) (3) (B) and GMC (b) (6), (b) (3) (B). FCC (b) (6), (b) (3) (B) was liberty buddy with CTTC (b) (6), (b) (3) (B). [Encl 40, 44, 45, 47, 52, 56, 63]

35. Shore Patrol in Souda Bay the night of 29 December 10 was ENS (b) (6), (b) (3) (B) LSC (b) (6), (b) (3) (B) and OS2 (b) (6), (b) (3) (B). [Encl 22, 33, 53]

36. One of the bars that the group visited in Souda Bay had two levels. The bathrooms were on the second level. [Encl 22, 41, 44, 48-50, 53, 56]

37. ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were drunk the night of 29 December 10 in Souda Bay. [Encl 33, 41, 48, 50, 53, 57]

38. FCC (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B) were drunk the night of 29 December 10 in Souda Bay. [Encl 47, 56]

39. CTTC (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were dancing inappropriately at a bar in Souda Bay. [Encl 41, 48, 49, 50, 56, 57]

40. ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) BMCS (b) (6), (b) (3) (B) and (b) (6), (b) (3) (B) saw ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B) dancing together. [Encl 40, 41, 49, 50, 57, 56]

41. CTTC (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) work out together on the ship. [Encl 32, 36, 56]

42. ENS (b) (6), (b) (3) (B) assisted ENS (b) (6), (b) (3) (B) off the dance floor because she was acting inappropriately with the chiefs. [Encl 41, 49, 57]

43. ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) are friends and went to the Naval Academy together. [Encl 19, 48, 57]

44. ENS (b) (6), (b) (3) (B) was seen upstairs in the bathroom with CTTC (b) (6), (b) (3) (B). [Encl 56]

45. ENS (b) (6), (b) (3) (B) went up the stairs in the bar towards the bathrooms. [Encl 22, 47, 53, 56]



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46. ENS (b) (6), (b) (3) (B) was upset at the bar in Souda Bay and after leaving the bar. [Encl 33, 53]

47. ENS (b) (6), (b) (3) (B) heard that CTTC (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were in an alley next to the bar. [Encl 32]

48. ENS (b) (6), (b) (3) (B) stated that he went for a walk by himself to the end of the alley by the bar. He left his liberty buddies. He does not know how long he was gone, but when he returned everyone was walking towards the bus stop. [Encl 54]

49. ENS (b) (6), (b) (3) (B) left his liberty buddies and went to another bar. [Encl 50]

50. FCCS (b) (6), (b) (3) (B) left his liberty buddies and went to another bar. [Encl 52]

51. ENS (b) (6), (b) (3) (B) was upset with the chiefs and was talking to them outside of the bar in Souda bay. [Encl 49, 50, 57]

52. ENS (b) (6), (b) (3) (B) was upset with FCCS Templeman because ENS McCaskey is his DIVO and he thought FCCS Templeman should be looking out for her. [Encl 49, 50, 57]

53. FCC (b) (6), (b) (3) (B) lunged at ENS (b) (6), (b) (3) (B) [Encl 49]

54. ENS (b) (6), (b) (3) (B) intervened to stop FCC (b) (6), (b) (3) (B) [Encl 49]

55. FCC (b) (6), (b) (3) (B) hit ENS (b) (6), (b) (3) (B) [Encl 47, 49, 56]

56. ENS (b) (6), (b) (3) (B) was not injured. [Encl 47, 49]

57. ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), FCC (b) (6), (b) (3) (B), OS2 (b) (6), (b) (3) (B), OS2 (b) (6), (b) (3) (B) heard that FCC (b) (6), (b) (3) (B) hit ENS (b) (6), (b) (3) (B) [Encl 20, 22, 34, 41, 49, 50, 53, 56, 57]

58. OS2 (b) (6), (b) (3) (B) (Shore Patrol) heard ENS (b) (6), (b) (3) (B) say, "He hit me. He hit me and this is not over." or words to that effect as she was coming out of the bar. [Encl 22]

59. When FCC (b) (6), (b) (3) (B) grabbed FCC (b) (6), (b) (3) (B) outside of the bar, FCC (b) (6), (b) (3) (B) kept saying, "I hit him. I hit him." or words to that effect. [Encl 56]

60. FCC (b) (6), (b) (3) (B) stated he does not recall hitting ENS (b) (6), (b) (3) (B). FCC (b) (6), (b) (3) (B) does not remember anything after walking down the stairs in the bar behind (b) (6), (b) (3) (B). FCC (b) (6), (b) (3) (B) states his next memory is FCC (b) (6), (b) (3) (B) standing next to him telling him to "think of your wife." [Encl 47]

61. FCC (b) (6), (b) (3) (B) apologized to ENS (b) (6), (b) (3) (B) for hitting him. [Encl 41, 47, 49, 56]

62. ENS (b) (6), (b) (3) (B) told ENS (b) (6), (b) (3) (B) that he got hit by FCC (b) (6), (b) (3) (B) [Encl 49]

63. ENS (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) were walking with their arms linked on the way to the bus stop. [Encl 33]

64. OS2 (b) (6), (b) (3) (B) heard the chiefs and junior officers discuss that "the punch was over and just drop it, nothing happened". [Encl 22]

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65. OS2 Calloway heard CTTC (b) (6), (b) (3) (B) whisper to ENS (b) (6), (b) (3) (B) "You better not say nothing." And she heard FCC Leach say things like, "We are kings" and "I socked that ass." [Encl 22]

66. CSCS (b) (6), (b) (3) (B) said to OS2 (b) (6), (b) (3) (B) "Are you going to go back and say something?" FCCS Templeman stated to OS2 (b) (6), (b) (3) (B) "You better not go back and say nothing to anyone." [Encl 22]

67. On the bus ride back to the ship FCCS (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) repeated asked OS2 (b) (6), (b) (3) (B) if she was going to report it and also who she witnessed during the fight. [Encl 22]

68. Upon return from liberty, no one reported the unduly familiar conduct to the chain of command. [Encl 60-62]

69. Upon return from liberty, no one reported to the chain of command that FCC (b) (6), (b) (3) (B) hit ENS (b) (6), (b) (3) (B) [Encl 60-62]

70. The CO brought BMCS (b) (6), (b) (3) (B) CSCS (b) (6), (b) (3) (B) GMC (b) (6), (b) (3) (B) FCCS (b) (6), (b) (3) (B) CTTC (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) into his stateroom to discuss the incidents in Souda Bay. [Encl 39, 40, 44, 45, 47, 52, 56, 60-62]

71. None of the chiefs responded to the CO when asked about the incidents. [Encl 39, 40, 44, 45, 47, 52, 56, 60-62]

72. The CO talked to the chiefs about setting the example, being in the spotlight and about people watching them. The CO asked them all not to drink in Haifa to reflect on how to better conduct liberty. [Encl 62]

73. The CO brought ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) into his office and talked to them about the incidents. He gave them a direct order not to drink in the first port visit to Haifa, Israel. [Encl 41, 48, 61, 62]

74. ENS (b) (6), (b) (3) (B) was called in to speak to the XO about the incidents in Souda Bay. He informed the XO about the fraternization but did not tell him about ENS (b) (6), (b) (3) (B) being hit by FCC (b) (6), (b) (3) (B) [Encl 49, 57, 61]

75. ENS (b) (6), (b) (3) (B) told the IO, "I don't know if anyone got hit," or words to that effect. [Encl 57]

76. ENS (b) (6), (b) (3) (B) told the IO, "I never went upstairs to the bathroom. I never went up the stairs with CTTC (b) (6), (b) (3) (B) I never sat on the stairs," or words to that effect. [Encl 48]

77. ENS (b) (6), (b) (3) (B) told the IO, "I walked back to the bus with the officers. I don't know where the chiefs were. At the bus stop, I was hanging out with the other officers," or words to that effect. [Encl 48]

78. CTTC (b) (6), (b) (3) (B) told the IO, "I was dancing with ENS (b) (6), (b) (3) (B) Nothing out of line. We were dancing front to front, definitely. I never had my arm around her. The dancing was not inappropriate," or words to that effect. [Encl 44]

79. CTTC (b) (6), (b) (3) (B) told the IO, "I was never on the stairs or in the bathroom with ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) never followed me up to the bathroom," or words to that effect. [Encl 44]

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80. Some of the chiefs were upset with LSC (b) (6), (b) (3) (B) because they thought he was the one that reported the fighting incident and began to alienate him. [Encl 33]

81. When LSC (b) (6), (b) (3) (B) approached CMC about the liberty incidents in Souda Bay, BMCS (b) (6), (b) (3) (B) made a derogatory comment about LSC (b) (6), (b) (3) (B) cultural background. [Encl 33]

82. A SITREP was not sent for these liberty incidents. [Encl 61, 62]

83. After the liberty incidents in Souda Bay, the liberty policy was modified so that groups consisting of E-3 and below only will not be allowed. All liberty groups must have an E-4 or above member. [Encl 61]

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84. FCC (b) (6), (b) (3) (B) BMCS (b) (6), (b) (3) (B) HTC (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) were at the same bar with ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) [Encl 40-42, 47, 48, 51, 56]

85. ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) were liberty buddies in Haifa. [Encl 41, 42, 48]

86. FCC (b) (6), (b) (3) (B) was liberty buddies with FCC (b) (6), (b) (3) (B) BMCS (b) (6), (b) (3) (B) and (b) (6), (b) (3) (B) [Encl 40, 47, 51, 56]

87. Shore Patrol in Haifa the night of 21 January 11 was LT (b) (6), (b) (3) (B) (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) [Encl 31, 36, 72]

88. FCC (b) (6), (b) (3) (B) left his liberty buddies at a bar in Haifa and was found sitting on a bench near the bus stop. [Encl 31, 40, 47, 51, 56]

89. FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) were arguing at the bus stop and several officers and enlisted saw and/or heard them. [Encl 40-42, 47, 48, 51, 56]

90. FCC (b) (6), (b) (3) (B) punched BMCS (b) (6), (b) (3) (B) in the face. [Encl 40, 47, 51, 56]

91. After returning to the ship, FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) continued to argue in the chief's mess. [Encl 40, 47, 51, 56]

92. BMCS (b) (6), (b) (3) (B) had a black and blue eye from being punched by FCC (b) (6), (b) (3) (B) [Encl 19, 24, 40, 47, 51, 56]

93. BMCS (b) (6), (b) (3) (B) injuries were minor and he did not miss any work. [Encl 40]

94. HMC (b) (6), (b) (3) (B) had a black eye from falling while on liberty. [Encl 43]

95. Upon return from liberty, BMCS (b) (6), (b) (3) (B) FCC (b) (6), (b) (3) (B) or HTC (b) (6), (b) (3) (B) did not report the fight to the chain of command. [Encl 40, 51, 56, 60-62]

96. CMC later found out about the fight between FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) but did not report it to the CO and XO. [Encl 60-62]



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97. The fight between BMCS (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) was reported by CS1 (b) (6), (b) (3) (B) to MA1 (b) (6), (b) (3) (B) who reported it to the XO. [Encl 24, 25, 61]

98. Initially, FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) were not truthful to the XO. [Encl 60, 61]

99. Administrative action, not disciplinary action, was taken against FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) for fighting. [Encl 40, 47, 60-62, 71]

100. FCC (b) (6), (b) (3) (B) and HTC (b) (6), (b) (3) (B) received Letters of Instruction (LOI) for not reporting the fight between FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) [56, 51, 60-62, 72]

101. Shore patrol (LTJG (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) received LOIs for failing to report the liberty incident involving FCC (b) (6), (b) (3) (B) and BMCS (b) (6), (b) (3) (B) [Encl 31, 36, 53, 61, 62]

102. A SITREP was not sent for this liberty incident. [Encl 62]

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103. Prior to liberty in Palermo, the CO, XO and CMC gathered the crew on the foc'sle to reemphasize expectations for conduct while on liberty. [Encl 60-62]

104. In Palermo, ET2 (b) (6), (b) (3) (B) was at the bar that CSCS (b) (6), (b) (3) (B) ETC (b) (6), (b) (3) (B) and HTC (b) (6), (b) (3) (B) were also at. [Encl 46, 51, 63, 69]

105. Many of the chiefs were out celebrating HTC (b) (6), (b) (3) (B) birthday. [Encl 51]

106. CSCS (b) (6), (b) (3) (B) states he did not kiss anyone at the bar. [Encl 63]

107. CSCS (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) were seen kissing at the bar. [Encl 26, 59]

108. ET2 (b) (6), (b) (3) (B) was leaning provocatively against CSCS (b) (6), (b) (3) (B) and CSCS (b) (6), (b) (3) (B) hand appears to be on her buttocks. [Encl 51, 69]

109. Photos were taken of CSCS (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) while at the bar in Palermo. [Encl 26, 34, 59, 69]

110. ETC (b) (6), (b) (3) (B) tried to cover up CSCS (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) kissing at the bar in Palermo by coming between HTC (b) (6), (b) (3) (B) who was trying to take a photo, and CSCS (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) [Encl 34, 59, 69]

111. After the liberty incidents in the prior ports, the liberty policy was modified to reduce the maximum number of a liberty party to four persons. [Encl 61]

112. After GMC (b) (6), (b) (3) (B) and FC3 (b) (6), (b) (3) (B) liberty incident in Palermo, the CO acknowledged that he should have taken a stronger stance on liberty earlier. [Encl 62]

113. At the next liberty port, the leadership triad will require all STOUT crew to sign a page 13, have a non-drinking liberty buddy in their group regardless of paygrade and develop a liberty plan. [Encl 61, 62]

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#### Command Climate

114. When the triad leadership was notified of the first major incident in Souda Bay, the CO had been in command for 4 days and the XO had been in that position for 5 days. [Encl 61, 62]

115. GMC (b) (6), (b) (3) (B) is the DAPA. [Encl 45, 59]

116. Sailors are not comfortable approaching the DAPA. [Encl 59]

117. GMC (b) (6), (b) (3) (B) compiled the 2010 CMEQ findings. [Encl 45]

118. FCCS (b) (6), (b) (3) (B) is the current CMEQ. [Encl 52]

119. Sailors are not comfortable approaching FCCS (b) (6), (b) (3) (B) as the CMEQ. [Encl 22, 26, 59]

120. OS2 (b) (6), (b) (3) (B) asked FCCS (b) (6), (b) (3) (B) who a person could talk to if they had any Equal Opportunity issues or grievances due to her lack of trust for him, and he told her that she could go outside of the command. [Encl 22]

121. The CO and XO are respected onboard the ship. [Encl 18, 32, 33, 39, 59, 63].

122. FCCS (b) (6), (b) (3) (B) disrespected his Division Officer (ENS (b) (6), (b) (3) (B) in front of junior personnel during an exercise by asking them if they thought that ENS (b) (6), (b) (3) (B) was in charge and he told them no - he is in charge. [Encl 30]

123. There are 5 female junior officers on board STOUT - 4 ensigns on their first sea tour and 1 Coast Guard LTJG on her second sea tour. In addition to the Command Master Chief, there is one other female chief petty officer, CTT (b) (6), (b) (3) (B), who was TAD at the time of the investigation. There are 35 female sailors on board, E-6 and below. [Encl 31, 41, 42, 48, 60]

124. All departments heads are serving their first department head tour on STOUT and all but one have been on board for a relatively short time. There is no evidence that any department head was aware of or otherwise tolerated any of the above misconduct. [Encl 29, 31, 37, 65, 66, 67]

#### OPINIONS

1. USS STOUT crew was responsive to all requests for information. They were open, professional and helpful throughout the course of this investigation. [FFs 1-124]

2. CDR Borchers' recent assumption of command was not a contributing factor to the incidents under investigation. Although he has been in command for two months, he has been onboard STOUT for over twelve months as XO, and fleeted up to the CO position. [FFs 1, 13, 18, 22, 24, 28, 29, 121]

3. The CO properly advised the crew of STOUT prior to entering every port. He reviewed his expectations of their behavior while on liberty. The CO addressed the crew prior to entering port either in person or over the LMC. [FFs 22, 24, 28, 70-73, 83, 103, 111-113]

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4. Since taking over command, the CO has attempted to improve the overall command climate aboard the ship and is creating a culture of active communication throughout the chain of command. [FFs 1, 28, 29, 121]

5. CDR Borchers is a very personable leader who continuously communicates throughout the command his expectations with regards to performance and behavior. He is a talented CO who has not been provided the support necessary by the CPO Mess to be successful. [FFs 1, 7-14, 22, 24, 28, 29, 52-72, 83, 88-91, 103, 105-110]

6. The CO has reached out to the CPO Mess on multiple occasions and has received little to no support. It is my opinion that the recent events are a factor of the lack of support and loyalty the CO has received by the CMC and CPO Mess. [FFs 7-14, 28, 52-74, 88-91, 95-98, 105-110]

7. The XO properly advised the crew of STOUT prior to entering port with regards to his behavior expectations while on liberty. The XO addressed the crew prior to entering port in person. [FFs 22, 24, 28, 83, 103, 111-113]

8. Although the XO has been onboard for only two months, it is my opinion he is executing his duties in a very professional manner. In only a short time, he has become admired and well respected by the crew. [FFs 2, 28, 29, 121]

9. The XO is fully engaged in improving the work environment for the crew and is extremely concerned for the well-being of the sailors. His loyalty to the CO and the command is unquestionable. [FFs 28, 29, 121]

10. The CMC did not effectively advise the crew of STOUT, especially the chief's mess, prior to entering port with regards to her behavior expectations while on liberty. [FFs 12-14, 24, 52-72, 88-91, 95-98, 105-110]

11. I have found that the CMC aboard is an ineffective leader and does not have the capability to manage the chief's mess aboard the ship. [FFs 7-14, 52-72, 88-91, 95-98, 105-110]

12. The CO and XO no longer have confidence in CMC's ability to make the right decisions after she blatantly withheld pertinent misconduct information from them. [FFs 13, 95-98]

13. The CMC's inability to lead the CPO Mess has caused a void at the critical level of leadership within the command, forcing the officers and crew to work around the CPO Mess to accomplish their mission. [FFs 12-14]

14. ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) inability to tell the truth and to differentiate between what is right and what is wrong is extremely disturbing. Their blatant disregard for naval standards of conduct, lack of character, and unprofessional behavior is an embarrassment as a Naval Officer and detrimental to good order and discipline onboard STOUT. They were aware of their duty and responsibility to report all events in an honest and truthful manner as soon as they became aware of them. [FFs 32-65, 73-77]

15. It is my opinion that BMCS (b) (6), (b) (3) (B) FCCS (b) (6), (b) (3) (B) CTTC (b) (6), (b) (3) (B) GMC (b) (6), (b) (3) (B), FCC (b) (6), (b) (3) (B) have created an oppressive, feared and hostile work environment/command climate aboard USS STOUT. [FFs 7-11, 80, 81]

16. This group intimidates or bullies junior enlisted sailors, fellow chiefs, and officers in order to prevent the active flow of information



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throughout the chain of command. This has created a situation in which the command has been unable to make the correct decisions to support the needs of the sailors and to maintain good order and discipline aboard the ship. [FFs 7-11, 64-71, 80, 81]

17. This group's lack of integrity, ethical and professional behavior is appalling. They verbally demoralize sailors by calling them names, using obscenities and discrediting their work in a manner that has resulted in poor morale, poor motivation and less than a combat ready environment. Their behavior is not in keeping with the standards of conduct expected of a chief petty officer [FFs 7-11]

18. BMCS (b) (6), (b) (3) (B) and FCCS (b) (6), (b) (3) (B) conduct was not in keeping with the standards of a senior chief petty officer. The two were fighting in front of officers and junior sailors. This was not in keeping with the highest standards of good order and discipline. [FFs 7-11, 50, 52, 63, 66, 67, 70-72, 89-92, 95, 99, 119, 120, 122]

19. FCC (b) (6), (b) (3) (B) was aware that assault on a commissioned officer and chief petty officer is a violation of the Uniform Code of Military Justice. [FFs 55, 58-61, 65, 90, 100]

20. I find the conduct of CSCS (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B) violates the Navy's fraternization policy. ETC (b) (6), (b) (3) (B) was present for this display of fraternization and tried to conceal the misconduct. [FFs 104-110]

21. ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) ENS (b) (6), (b) (3) (B) and ENS (b) (6), (b) (3) (B) violated Navy Regulations by failing to report all known offenses to their chain of command. [FFs 33, 39, 40, 55, 57, 61, 62, 68, 69]

22. The CMEQ (FCCS (b) (6), (b) (3) (B)) is not effective. It is my opinion the CMEQ assessment survey results have not been analyzed nor has a POA&M been developed to address the findings in the survey. [FFs 118-120]

23. The command DAPA (GMC (b) (6), (b) (3) (B)) program is not effective. Personnel who have had prior alcohol related incident (ARIs) are not screened properly nor is there any type of follow-up program. The DAPA program is not integrated into the liberty risk program therefore sailors who have had ARIs or are observed drinking excessively on liberty are not screened. [FFs 15-20, 26, 27, 115]

24. The command DAPA frequently signed out on liberty with CPOs with prior alcohol related incidents. Although the instruction allows the DAPA to drink on liberty, the perception of seeing the DAPA drinking with chiefs identified to have drinking problems or with aftercare programs sends the wrong message to the crew. [FFs 5, 15-20, 31, 115, 116]

25. All injuries have been investigated for Line of Duty (LOD)/misconduct. There is no evidence that necessitates further investigation. [FFs 30, 55, 56, 90, 93, 94]

26. The implementation of the liberty policy established by the command is ineffective. There was not a clear understanding throughout the crew as to the requirements that they were to follow such as liberty buddies and reporting of incidents. [FFs 22-28, 48-50, 68-71, 83, 88, 95, 100, 101, 111-113]

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27. The liberty risk program is not effective onboard the ship. It is necessary that the policy be made stricter and this be understood by everyone onboard the ship. There is no cross referencing between DAPA and current ARIs for screening personnel to be on liberty risk. Also those that had incidents on liberty were not always placed on liberty risk for the next port. [FFs 22, 24-27, 72, 73]

28. The shore patrol program is not effective. The officers and sailors assigned to shore patrol are unaware of their duties and responsibilities. The shore patrol should not be new members to the ship who have never been out on liberty. A STOUT instruction needs to be promulgated and training should be conducted. [FFs 35, 80, 81, 87, 101]

29. The lack of female senior officer or chief petty officer presence and leadership created a mentoring void and a lack of role models for female junior officers and petty officers. [FFs 119, 120, 123]

30. Department heads on board STOUT were operationally focused and were not aware of the misconduct that was occurring during liberty ports. While they are relatively junior, I find their conduct lacking. The department heads did not show the required intrusive leadership and focus on liberty as a mission in the SIXTH Fleet AOR. [FF 124]

#### RECOMMENDATIONS

1. Recommend a non-punitive letter of caution for the CO based on the following:

- The CO is professionally and technically capable to continue to accomplish the ship's current mission. He is initiating many programs and events to increase the morale and better the command climate. The CO is making these changes based on his experience as the XO and the inability in his position as XO to implement these changes.
- The CO fledged up from the XO position a few days before the first major incident, but he was onboard the ship for the year before.
- The CO did not receive support from his officers and chiefs. It was his understanding that they were telling him the truth about the incidents that occurred.
- The CO needs to have formal counseling and the non-punitive letter of caution due to his lack of attention in the investigation of perceived rumors onboard the ship and reports of possible offenses.
- The CO is perceived by the officers, chiefs, and sailors as an effective and caring leader who can get the job done. It is believed that if the CO had been aware of all of the misconduct that he would have taken appropriate action.

2. Recommend a letter of instruction for the XO based on the following:

- The XO is professionally and technically capable to continue to accomplish the ship's current mission. He is initiating many programs and events to increase the morale and better the command climate.
- The XO was only onboard a few days before the first major incident.

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- The XO needs to have formal counseling and the letter of instruction due to his lack of attention in the investigation of perceived rumors onboard the ship and reports of possible offenses.
- The XO is perceived by the officers, chiefs, and sailors as an effective and caring leader who can get the job done. It is believed that if the XO had been aware of all of the misconduct that he would have taken appropriate action.

3. Recommend immediate removal of CMC and subsequent detachment for cause based on the following:

- The CMC is not competent in her abilities to be a contributing member of the triad.
- CMC's failure to uphold and enforce the highest standards of professionalism, integrity and enhance active communication at all levels of the command.
- She withheld information from the CO and XO regarding misconduct by her chiefs. She contributed to a pattern of behavior that has created a working environment that is prejudicial to good order and discipline within the Command.
- The ship's officers, chiefs, and sailors feel that she is an ineffective leader and have lost faith in her ability to lead them.
- CMC should not be allowed to continue to lead her Sailors in this manner.

4. Recommend immediate removal of BMCS (b) (6), (b) (3) (B) FCCS (b) (6), (b) (3) (B) and GMC (b) (6), (b) (3) (B) and subsequent detachment for cause based on the following:

- Their inability to provide leadership to the enlisted force and advice to the CO to create a combat ready environment.
- This unsatisfactory performance in their duty to behave in the proper manner expected of a chief petty officer both onboard the ship and ashore.
- Their blatant disregard for naval standards of conduct as well as their inability to adhere to naval policies.
- Preventing a lack of active communication throughout the chain of command causing undue hardship and stress throughout the crew.
- Failure to provide the CO the loyalty and support required by a chief petty officer for mission success.
- BMCS (b) (6), (b) (3) (B) has used derogatory statements towards his sailors and peers; has intimidated enlisted, chiefs and officers aboard the ship; and was present for the liberty incidents in Souda Bay and Haifa and failed to report any misconduct.
- FCCS (b) (6), (b) (3) (B) was present for the events in Souda Bay and failed to report the fraternization and assault. FCCS (b) (6), (b) (3) (B) threatened the sailor operating as shore patrol by telling her that she could not report the offenses she saw. FCCS (b) (6), (b) (3) (B) serves as the command CMEQ and sailors do not feel comfortable coming to him with concerns.
- GMC (b) (6), (b) (3) (B) was present for the liberty incidents in Souda Bay. GMC (b) (6), (b) (3) (B) is the command DAPA but does not take his duties and responsibilities of this critical position seriously. He has failed to process STOUT sailors' alcohol related incidents. He has been seen drinking with sailors who have documented ARIs.



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5. Recommend Non-Judicial Punishment for the following officers and chief petty officers:

- ENS (b) (6), (b) (3) (B) for fraternization, conduct unbecoming an officer, false official statement, drunk and disorderly conduct.
  - ENS (b) (6), (b) (3) (B) admitted to being drunk while out on liberty.
  - ENS (b) (6), (b) (3) (B) was dancing inappropriately with CTTC (b) (6), (b) (3) (B) and acting inappropriately with other chiefs while other officers, chiefs and sailors were present.
  - ENS (b) (6), (b) (3) (B) was untruthful when questioned by the CO, XO, and the IO.
- ENS (b) (6), (b) (3) (B) for failure to report an offense, failure to obey a lawful order, conduct unbecoming an officer, false official statement, drunk and disorderly conduct.
  - ENS (b) (6), (b) (3) (B) saw that ENS (b) (6), (b) (3) (B) was dancing inappropriately with CTTC (b) (6), (b) (3) (B) and acting inappropriately with other chiefs.
  - ENS (b) (6), (b) (3) (B) did not report that she witnessed fraternization by ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B).
  - ENS (b) (6), (b) (3) (B) did not report that she knew of the assault upon ENS Nereus.
  - ENS (b) (6), (b) (3) (B) was drunk in the view of other officers, chiefs, and enlisted sailors.
  - ENS (b) (6), (b) (3) (B) was in violation of COMSIXTHFLT OPORD 4000-05 in that she failed to follow the section regarding responsibilities for liberty buddies.
- ENS (b) (6), (b) (3) (B) for failure to report an offense, false official statement, conduct unbecoming an officer, disorderly conduct.
  - ENS (b) (6), (b) (3) (B) saw that ENS (b) (6), (b) (3) (B) was dancing inappropriately with CTTC (b) (6), (b) (3) (B) and acting inappropriately with other chiefs.
  - ENS (b) (6), (b) (3) (B) did not report that he witnessed fraternization by ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B).
  - ENS (b) (6), (b) (3) (B) did not report that he knew of the assault upon ENS (b) (6), (b) (3) (B).
- CTTC (b) (6), (b) (3) (B) for failure to report an offense, fraternization, drunk and disorderly conduct, and driving under the influence.
  - CTTC (b) (6), (b) (3) (B) was intoxicated in the view of officers, chiefs, and enlisted sailors.
  - CTTC (b) (6), (b) (3) (B) was dancing inappropriately with ENS (b) (6), (b) (3) (B) while officers, chiefs and sailors were present.
  - CTTC (b) (6), (b) (3) (B) did not report that he knew of the assault upon ENS (b) (6), (b) (3) (B).
  - CTTC (b) (6), (b) (3) (B) was called into the CO's office and when asked what happened, he was silent.
  - CTTC (b) (6), (b) (3) (B) also has a prior DUI from August 2010 which was not sent to NJP. His DUI has been adjudicated in civilian court so to take him to NJP, it would require GCMCA approval.
- FCC (b) (6), (b) (3) (B) for failure to report an offense, failure to obey a lawful order, assault, and drunk and disorderly conduct.
  - FCC (b) (6), (b) (3) (B) saw that ENS (b) (6), (b) (3) (B) was dancing inappropriately with CTTC (b) (6), (b) (3) (B) and acting inappropriately with other chiefs.
  - FCC (b) (6), (b) (3) (B) did not report that he witnessed fraternization by ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B).
  - FCC (b) (6), (b) (3) (B) was drunk in the view of other officers, chiefs, and enlisted sailors.
  - FCC (b) (6), (b) (3) (B) hit ENS (b) (6), (b) (3) (B) in the head.

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- CSCS (b) (6), (b) (3) (B) for fraternization.
  - o Senior Chief (b) (6), (b) (3) (B) was seen leaning provocatively, touching and kissing ET2 (b) (6), (b) (3) (B)
- ET2 (b) (6), (b) (3) (B) for fraternization.
  - o ET2 (b) (6), (b) (3) (B) was seen leaning provocatively, touching and kissing Senior Chief (b) (6), (b) (3) (B).

6. Recommend Non-Punitive Letters of Caution for ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), ENS (b) (6), (b) (3) (B), and ENS (b) (6), (b) (3) (B) based on the following:

- ENS (b) (6), (b) (3) (B) violated the liberty policy by walking out of the bar and leaving his liberty buddies.
- ENS (b) (6), (b) (3) (B) violated the liberty policy by walking out of the bar and leaving his liberty buddies. ENS (b) (6), (b) (3) (B) did not report the fraternization by ENS (b) (6), (b) (3) (B) and Chief (b) (6), (b) (3) (B).
- ENS (b) (6), (b) (3) (B) did not report that he had been struck by FCC (b) (6), (b) (3) (B) and that he witnessed fraternization by ENS (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B).
- ENS (b) (6), (b) (3) (B) did not report that he witnessed fraternization by (b) (6), (b) (3) (B) and CTTC (b) (6), (b) (3) (B). ENS (b) (6), (b) (3) (B) was shore patrol and heard that a fight occurred between ENS (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B) but he did not report it.
- These officers have violated the liberty policy and/or failed to report known offenses. However, I do not feel this misconduct rises to the level of NJP and recommend they only receive a non-punitive letter of caution.
- It is also recommended that these officers be placed on liberty risk for the next port.

7. Recommend Non-Punitive Letter of Caution for ETC (b) (6), (b) (3) (B) based on the following:

- ETC (b) (6), (b) (3) (B) was present for the fraternization between (b) (6), (b) (3) (B) and ET2 (b) (6), (b) (3) (B). He covered up for Senior Chief (b) (6), (b) (3) (B) by preventing photos to be taken. He did not report the known offense. ETC Kuwik was not truthful with the investigating officer about what he knew.
- Although this is serious, I do not feel this rises to the level of NJP and recommend he only receive a non-punitive letter of caution.
- It is also recommended that this chief be placed on liberty risk for the next port.

8. Recommend administrative separation for CTTC (b) (6), (b) (3) (B) and FCC (b) (6), (b) (3) (B)

- CTTC (b) (6), (b) (3) (B) has two DUIs and has committed serious misconduct onboard the ship. He has a prior NJP. He should be processed for commission of a serious offense.
- FCC (b) (6), (b) (3) (B) has had two assaults; one against a commissioned officer. He should be processed for commission of a serious offense.

9. Recommend BMCS (b) (6), (b) (3) (B) and FCCS (b) (6), (b) (3) (B) frocked rank of E-8 be removed and they revert back to E-7.

10. Recommend legal training for the legal officer and review of past legal proceedings by a Judge Advocate. During the course of this investigation, my legal advisor, LCDR (b) (6), (b) (3) (B) discovered discrepancies with some of the ship's

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legal documents, including NJP notification documents and appeal rights that were not signed by the Accused.

11. Recommend the liberty policy, liberty risk program and shore patrol program be revamped and stricter instructions be instituted. Training on all of these instructions is necessary to ensure that all personnel are aware of what is expected of them on liberty.

12. Recommend formal counseling for all department heads on their leadership responsibilities. I also recommend that deploying ships be staffed with a mix of first and second tour department heads to increase opportunities for peer mentorship in the department head ranks.

13. Recommend that senior female leadership be brought aboard the ship. Currently, CMC and CTTC (b) (6), (b) (3) (B) (TAD) are the only two female chiefs aboard. There are five very junior female officers and thirty five female sailors aboard.

(b) (6), (b) (3) (B)

